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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PATRICK HICKMAN,

Plaintiff(s),

v.

KENNETH MEAD, et al.,

Defendant(s).

Case No.: 2:18-cv-00404-GMN-NJK

Order

(Docket No. 132)

Pending before the Court is Defendant Kenneth Mead's motion to stay discovery. Docket No. 132. Defendant Jessica Walsh filed a joinder to Defendant Mead's motion. Docket No. 133. Plaintiff failed to respond by the deadline to do so. *See* Docket. That failure "constitutes a consent to the granting of the motion." Local Rule 7-2(d). Additionally, for the reasons stated below, the Court **GRANTS** Defendant's motion.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). "The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Discovery should proceed absent a "strong showing" to the contrary. *See, e.g., Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to stay all discovery may be granted when the: (1) pending motion is potentially dispositive; (2) potentially dispositive motion can be decided without additional discovery; and (3) Court has taken a "preliminary peek" at the merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).¹

¹ Conducting the preliminary peek puts the undersigned in an awkward position because the assigned district judge who will decide the motion to dismiss may have a different view of its merits. *See Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of

1 The Court finds that all of the standards are met; therefore, a stay of discovery is
2 appropriate. Accordingly, the motion to stay discovery including Plaintiff's deposition, Docket
3 No. 132, is **GRANTED**. If the resolution of the motion to dismiss does not result in the dismissal
4 of this case, the parties must file a joint proposed discovery plan and scheduling order no later than
5 14 days after the issuance of the order resolving the motion to dismiss.

6 IT IS SO ORDERED.

7 Dated: October 18, 2019

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10 Nancy J. Koppe
11 United States Magistrate Judge
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28 that motion is not intended to prejudice its outcome. *See id.* As a result, the undersigned will not
discuss the merits of the pending motion to dismiss here. Still, the undersigned has carefully
reviewed the arguments in the motion to dismiss and later briefing.